IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

Bail Appl..No. 5046 of 2007()

[CRIME NO.762/07 OF THE EAST POLICE STATION, KOLLAM]

PETITIONER/IST ACCUSED

HARILAL, S/O.KUNJIRAMAN, MURUNTHALA
KIZHAKKATHIL, VADAKKEVILA VILLAGE,
KOLLAM DISTRICT.

BY ADV. SRI.S.M.ALTHAF

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No. 5046 of 2007

Dated this the 20th day of August 2007

O R D E R

Application for anticipatory bail. The petitioner is the first accused. He, along with the co-accused, faces allegations inter alia under Sections 308 and 324 read with 34 I.P.C. Crime has been registered. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The crux of the allegations against the petitioner is that, he,along with the co-accused, on account of political animosity, allegedly attacked the victim and had committed the offence punishable under Section 308 I.P.C. The rival contestants belong to B.J.P and C.P.M.

3. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. Accused persons owes allegiance to B.J.P. The de facto complainant belongs to C.P.M. There is absolutely no bona fides in the allegations raised under Section 308 I.P.C. The inclusion of that Section must convey to the court the want of bona fides on the part of the de facto

complainant as also the willingness of the police to oblige the de facto complainant. At any rate, the petitioners do not deserve to suffer the trauma of arrest and detention in such an allegation. Appropriate directions under Section 438 Cr.P.C may be issued in favour of the petitioner, submits the learned counsel for the petitioner.

4. The learned Public Prosecutor does not oppose the application. The learned Public Prosecutor only submits that appropriate conditions may be imposed.

5. Having considered all the relevant inputs, I am satisfied that directions under Section 438 Cr.P.C can be issued in favour of the petitioner. In the absence of opposition, it is not necessary to advert to details in any greater detail. I have been taken through the nature of injuries suffered.

6. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 30/08/2007.

ii) He shall be released on regular bail on condition that he executes a bond for Rs.25,000/-(Rupees twenty five thousand

only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 5 p.m on 31/08/2007 and 01/09/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of two months and subsequently as and when directed by the investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(v) If he were arrested prior to 30/08/2007, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 30/08/2007.

(R.BASANT, JUDGE)

jsr // True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007